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OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

DEBRA STAVENTJORD,

Petitioner,

v.

MONTANA STATE FUND,

Respondent.

WCC No. No. 2000-0207

REPORT TO COURT
Re: Identification and Notification

The Montana State Fund ("MSF") presents the following report as directed by the Court's Order Requesting Report of Proposed Procedure to Identify Potential Beneficiaries dated December 6, 2006. MSF asks the Court to review the Report and advise as necessary, but submits that it is not "impracticable or impossible" for this Court to supervise identification and notification of potential beneficiaries without the intervention of outside counsel.

I. BACKGROUND

In *Stavenjord v. Montana State Fund*, 2006 MT 257, 334 Mont. 117, 146 P.3d 724 ("Stavenjord II"), the Montana Supreme Court held this Court "erred in determining that *Stavenjord I* created a common fund." *Stavenjord II*, ¶ 28. In refusing to allow this case to proceed as a common fund, the Court found benefits due under *Stavenjord I* "will not be readily identifiable on superficial review of case files, nor can benefits due be calculated with certainty by way of a mathematical formula." *Stavenjord II*, ¶ 27. The Court went on to note that "many of these claimants are represented by counsel, and will require further assistance from their attorneys," thus, the insertion of common fund counsel would "create a disincentive for non-participating claimants' counsel, and could thereby threaten a claimant's prospects for an aggressively negotiated benefit recovery." *Stavenjord II*, ¶ 27.

The initial partial disability benefit entitlement holding was held to be retroactive. The Court remanded the case to this Court for a "determination of an appropriate procedure by which potential *Stavenjord* beneficiaries will be identified and notified of their interests related to increased *Stavenjord*-type PPD benefits." *Stavenjord II*, ¶ 31.

Stavenjord sought rehearing before the Supreme Court. She argued for reinstatement of the common fund because, without common fund counsel "it will be impossible for the Workers' Compensation Court to comply with the Supreme Court's" remand order. (Petition Reh'g 2, Oct. 20, 2006 ("Pet.")) She claimed "the *Stavenjord* claimants deserve an adversary when the lower court conducts the 'proceedings' to 'identify' and 'notify' potential *Stavenjord* claimants of their disputed 'interests'." (Pet. 2.) Stavenjord proceeded to outline a laundry list of arguments allegedly requiring the use of a common fund in *Stavenjord* implementation.

MSF's objection to the Petition pointed out, correctly, that previous computer searches for potential *Stavenjord* beneficiaries were over-inclusive and MSF is most capable of carrying out the direction to notify the claimants of possible entitlement. (MSF's Objections Petition Reh'g 2, 5-6, Oct. 30, 2006 ("Objections").) MSF further advised the Supreme Court that the "process has and will be refined and the WCC will be fully advised of the improvements." As a result, "[i]t does not appear that any further assistance from Stavenjord's counsel is necessary to carry out the specific directives" of the decision and there is no basis to claim that it is "impossible" for this Court to comply with the remand instructions. (Objections 6.)

The Supreme Court refused to reconsider its unanimous opinion declining to grant common fund status to this matter. (Order, Nov. 9, 2006.) In addition, after considering the arguments of Stavenjord the Court raised the bar on the remand directive. It indicated this Court should determine whether it is "impracticable or impossible for it to comply with" the remand Order. (Order 1.)

Therefore, the present proceeding is clearly and specifically limited by direction of the Supreme Court. This Court is charged with determining whether it is "impracticable or impossible" for MSF, without the intervention of outside counsel, to determine "an appropriate procedure by which potential *Stavenjord* beneficiaries will be identified and notified of their interests related to increased *Stavenjord*-type PPD benefits." The following report verifies it is not impossible or impracticable to properly identify and notify potential beneficiaries and further involvement of *Stavenjord*'s counsel in this proceeding is unnecessary and, in fact, unauthorized.¹

II. INTRODUCTION

MSF is long experienced in both common fund and class action proceedings requiring identification of and notice to potential recipients of increased compensation benefits.² The process has been refined as additional knowledge was gained with each new effort.

In the present action, an over-inclusive list of potential *Stavenjord* beneficiaries was identified prior to the Joint Statement of Stipulated Facts filed on February 13, 2004 ("Stipulation"). Since that time additional effort and the requirements of other litigation have allowed MSF to further define and refine the potentially affected population.

As an added verification that the identification process was appropriate, MSF sought review by the Department of Labor and Industry, Workers' Compensation Claims Assistance Bureau. MSF was advised its search parameters for identification of potential beneficiaries was appropriate. Suggestions for minimal additional search

¹ Counsel for *Stavenjord* has, in conference with the Court and MSF, effectively agreed that he is without standing to participate further in this matter since his client has received all benefits due her, the appeal is concluded and common fund status has been denied. Since the Supreme Court made it clear in denying rehearing that the "impracticable and impossible" standard must be met before there is even a consideration of outside counsel involvement, it appears that *Stavenjord*'s counsel should be precluded from actively participating in proceedings regarding this report to the Court. In addition, the present proceeding is limited to identification and notification matters. Nothing in the remand allows for *Stavenjord*'s counsel's involvement based upon issues related to benefit determination following notice.

² MSF has successfully engaged in several identification and notification efforts. In *Murer* over 7,400 notices were mailed to potential beneficiaries. In *Broeker* 3,817 notices were mailed to potential beneficiaries with injury dates between July 1, 1982 and February 2, 1997. In *Flynn*, 749 notices were mailed out. In *Pinckard*, a court supervised class action, 1,065 notices were mailed to potential beneficiaries. The process has been refined over the several years involved.

refinement were made, are being implemented by MSF but are not yet complete.

MSF proposes that each person on the over-inclusive list be advised of their potential entitlement. A process to review out dated addresses and undeliverable notices has also been developed based on past experience.

It is respectfully submitted the identification process and notice procedure suggested are most appropriate, far above the standard set by the Supreme Court for this Court's present review.

III. IDENTIFICATION PROCESS

The Joint Statement of Stipulated Facts provides an overview of the process and considerations relating to the retrieval of the records necessary to identify the potential *Stavenjord* claimants. The matter is deserving of some additional detail for present purposes.

There are multiple platforms in which claim files reside including paper, microfiche/film and optical disks. Paper records and microfiche/film were in use at MSF prior to July 1, 1987 through February 1997. Optical disks have been used since that time.

Information containing data on claim files are found in three "computer storage" systems. The original system is referred to as DB02, which contains primarily financial information, with some claim specific "fields". In 1997 the Claims Management System ("CMS") and Work Management System ("WMS") replaced DB02. As in most conversions, data transfer from one system to another was not seamless. Much of the information that was compacted for transfer from DBO2 could not be disassembled in the CMS system. (See Stipulation ¶¶ 17-25.)

From March through June 2006, MSF converted to its current system, adding more data fields which enhanced MSF's ability to search the database. MSF then searched the converted files with the enhanced data fields, seeking the broadest possible class of potential *Stavenjord* beneficiaries in preparation for the *Stavenjord* common fund litigation, and, in particular, to demonstrate the potentially large number of claimants and resulting financial impact on MSF.

As outlined in the Stipulation, the initial computer search for potential *Stavenjord* beneficiaries in 2003 identified 2,939 claims. Additional computer runs and underwriting review identified an additional 604 potential beneficiaries³. In the total of 3,543

³ *Stavenjord* previously argued, in agreement with the above position, that the State Fund's original efforts at identifying claimants with potential entitlement were over inclusive. She also argued to this Court that MSF was most capable of identifying and

identified claims the population included settled claims which we now know are not eligible for retroactive treatment and others, because of coding errors that might not be entitled to additional benefits. It was determined that a manual review of the claims identified would be necessary to identify potential additional entitlement. (Stipulation ¶¶ 26-30.)⁴

Following the *Stavenjord* and *Schmill* decisions, in January of 2004, MSF attempted to identify Occupational Disease files from all platforms. MSF's Information Technology ("IT") department produced a printout of all the claims with date of onset on or after July 1, 1987, containing at least one of the following characteristics:

1. Any claim having a "CLASS TYPE" of OD. The data contained in this field includes some injury claims. This occurs as a result of claims being initially submitted as occupational diseases and then through investigation and claims adjustment determined to in fact be injuries however the "class type" may not be changed.
2. Any claim having a "NATURE OF INJURY" code of 900 (occupational disease) or 562 (not otherwise classified). The same possibility of being over-inclusive as indicated in #1 also occurs here.
3. Any claim with a "SOURCE OF INJURY" code 400 pertains to diseases of the nerves and or peripheral ganglia. This code also may contain injuries since not all nerve or peripheral ganglia (damage is) the result of an OD.
4. Any claim where Temporary Total or Permanent Total Disability benefits were paid but no Permanent Partial Disability benefits were provided. This is the criterion that most closely matches *Stavenjord*. The "hits" out of this list are similarly overbroad because numerous injury claims also meet these criteria.
5. Any claim with "BENEFIT TYPE" OD. This criterion is also subject to error

notifying claimants of their potential entitlement. ("The State Fund has extensive experience in common fund identification and payment method....The State Fund has had ten years to familiarize itself with common fund methods....[T]he State Fund estimates there are 3, 543 claimants (cite). In this regard, the State Fund's estimated number of claimants is disputed. Notably, NCCI, a non profit rating and data management service (cite), said that the State Fund had overestimated the number of *Stavenjord* claimants by approximately 46% *Stavenjord's* Opening Brief on Remand Issues, pp. 19-20.

⁴ Financial impact estimates also considered settled files.

similar to #1.

6. Any claim with the word "REPETITIVE" in the description of the accident field on the First Report of Injury ("FROI") was searched.

This run produced 3,099 hits, including settled claims and deceased claimants.

When *Schmill* was decided, the search criteria were expanded and a new computer run in June of 2005 was made. The type, nature and source of the injury searches were further expanded to include disease, respiratory, nervous system, bodily motion, infectious materials, bodily reaction and dust. These identifiers include a variety of causes, diseases and health issues generally associated with OD claims. As further enhancements, MSF added the following:

1. Any claim where an "APPORTIONMENT DETAIL" was present in the financial transactions or had an updated apportionment field. These are claims where either an apportionment is in place or was in place. Some claims might have been switched to injuries later and this group might be slightly over-inclusive.
2. Any claim where an "OCCUPATIONAL DISEASE AWARD" expense code was used. This search captured all Montana Code Annotated § 39-72-405 awards, either by way of settlement or as an award based on claimant's loss of wages.
3. Any claim where the weekly Social Security offset rate was less than the calculated Social Security offset rate. This would capture all claims where there was an apportionment of the Social Security offset. This situation would only occur in an apportioned OD claim.

This later search, which had an end date of June 14, 2005, netted 4,797 claims. The first run had an end date of January 24, 2004 and totaled 3,099. The difference of 1,698 was partly due to a later end date (624) and to additional criteria noted above (1,074). Moreover, the first run excluded denied claims, medical only claims and disputed liability settlements. In the second run only "medical only" claims were excluded.

After this series of over-inclusive searches, MSF proceeded to narrow the population to more accurately identify possible *Stavenjord* recipients. The claims were initially researched on the electronically available platforms only. Thereafter microfiche/film was reviewed. This search focused on accepted OD claims; whether the claim was properly classified; and whether the description of the injury matched the injury/OD designation. File notes, correspondence and Employment Relations Division ("ERD") orders indicating OD status were reviewed through the electronic optical media.

Apportionment documentation was also reviewed to ascertain *Schmill* potential. Payments were reviewed to discover Permanent Partial Disability benefits and the reason for such payments. Further refinement came about as a result of the identification of claims in the *Pinckard* class action suit, which related to settled claims only. In *Pinckard*, MSF obtained lists from ERD for all recorded settlements on record. This list was used to filter most of the settled claims out of the *Stavenjord* population. File status, notes and settlement documents were reviewed for verification. Social Security numbers were matched against the Social Security Death Index via the Internet. This resulted in uncovering 751 injury claims, 925 settled claims and 104 deceased claimants.

The net result of all of the above yields a population of 3,017. Still, this list is over-inclusive, because all claimants within this notice population may not have an entitlement to *Stavenjord* benefits. MSF's intention in establishing the identified notice population is to ensure that all claimants with potential *Stavenjord* entitlement receive notice as directed. As discussed below, regardless of the responses received to the notice, all claims on the notice list will be reviewed to determine entitlement to *Stavenjord* benefits.

MSF is presently reviewing the final 348 claims that are not electronically reviewable. The majority of the microfiches/films have been located and the review will be completed in the next few weeks. The majority of these claims are from the pre WMS/CMS inception in February 1997. Documented injury claims and claims that have been settled will be removed from the notice list after such status is verified by manual review.

The claims in which it has been determined the claimant is deceased are not included in the above total. For notice purposes, deceased claimants pose special problems in terms of locating heirs, identifying proper addresses, determining whether an estate proceeding was initiated, etc. MSF seeks the direction of the Court in relation to whether notice should be sent to/on behalf of such deceased claimants; however, MSF maintains that it is not "impracticable or impossible" for the Court to provide direction, or for MSF to implement it, without intervention of outside counsel.

Following the Court's direction in relation to deceased claimants, the completion of the manual review noted above and the additional computer run suggested by the Department of Labor and Industry, Workers' Compensation Claims Assistance Bureau ("DOLI"), noted below, MSF will report to the Court regarding the final number of claimants on the notice list.

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IV. DEPARTMENT OF LABOR REVIEW

In order to obtain an independent review of the thoroughness of MSF's identification and notification process, MSF requested personnel from DOLI review its identification process. Attached is their response.⁵ Overall, DOLI agreed with MSF's approach, suggesting some minor measures for consideration. It was thought these measures might expand the search based on codes for body parts. One suggestion was to search for claims containing code 49 (heart) and code 60 (lungs). MSF has provided its IT department with this information and is awaiting a determination as to its usefulness. MSF will advise the Court as to the final outcome.

MSF also requested a computer run from DOLI to compare with its own searches. The spreadsheets received were based on data supplied to DOLI by MSF over the years and did not contain any new classifications made by them.

MSF believes the DOLI review supports the reasonableness of its identification process. It will evaluate the utilization of the additional coding searches suggested following IT review.

V. NOTIFICATION PROCESS

As indicated above, MSF has provided mass mailings in several benefits remediation efforts. Experience indicates, especially when the time frame is extended, that a significant number of outdated addresses are unavoidable when sending notices from closed claim file records. Several avenues to check addresses on returned letters have been used in the distant past, mostly involving internet and other available searches. In the more recent past, the noticing process in the *Pinckard* class action provides the best experience.

In *Pinckard*, approximately 33% of the initial notices sent to last known addresses were returned. Current addresses were then searched using Lexis/Nexis and subsequent returns were researched through MERLIN. It is expected such efforts will be very successful.

The Lexis/Nexis database utilized was SmartLinx-Person Summary Reports. MSF was advised by a Lexis/Nexis trainer that this database would most likely provide

⁵ The Insurance Services Office ("ISO") report referenced in the letter did not agree with MSF information. ISO underreported the number of potential *Stavenjord* claims. This occurred because ISO relied upon incomplete data. It relied upon coding of claims as ODs which may not have occurred and many OD claims with impairment awards were not included because they were coded as TTD claims. (See Stipulation ¶¶ 89-90.)

the identification process needed for such a project. The database draws records from:

1. Electronic Directory Assistance;
2. Multiple person locator directories;
3. Multiple business locators;
4. Multiple telephone sources;
5. Nationwide bankruptcy, liens and judgments;
6. UCCs;
7. Incorporations;
8. Real property records over 1,000 counties;
9. Death/Deceased records;
10. Marriage and divorce records;
11. Professional licenses; and
12. Voter registrations.

The process utilizes a claimant's Social Security Number and is verified with a birth date. It is possible to search by state, but MSF utilized national searches. MSF pays a flat fee for Lexis/Nexis services and prefers to utilize this service for initial screening.

MERLIN is a cost-per-search internet site that utilizes public record and proprietary databases. Additional information can be found at www.merlindata.com.

MSF proposes to run all addresses through a Lexis/Nexis search to secure the most current address possible. It will utilize the MERLIN searches for notices that are returned. If a notice is run through both processes and subsequently returned again, MSF will retain all mailings and report to the Court with a list of undeliverable notices as directed. Further identification programs can be considered at that time, if necessary.

MSF proposes that the notice sent to each potential *Stavenjord* beneficiary provide a simple explanation of the *Stavenjord* holdings and invite the claimant to respond. Once Montana State Fund has the claimant's acknowledgment of receiving the notice, any further information necessary to calculate potential additional benefits can be garnered from the claimant. As with any other workers' compensation entitlement issue, if the potential beneficiary feels it necessary to retain counsel for assistance in determining the appropriate level of additional benefit, they are free to do so.

MSF intends to review all claims on the notice list, whether a response is received from a claimant or not. As it works through the claims on the notice list, MSF intends to give priority to responding to those claimants that do respond. Regardless, all claims will be reviewed. Further adjusting steps will follow the initial review. MSF will report, if requested, to the Court and the DOLI, on the progress of the reviews and claim resolution.

VI. CONCLUSION

In briefing before this Court prior to the second appeal Stavenjord argued MSF was very experienced and competent in identifying and notifying claimants of potential entitlement following Supreme Court decisions. The process outlined above verifies the years of such experience have honed these skills and no additional assistance by outside counsel is necessary in this proceeding.

As outlined, the process utilized to identify potential *Stavenjord* beneficiaries is sound, and will result in an over-inclusive class of potential beneficiaries. Notice will be provided to each person on the extensive listing after addresses are checked for accuracy. Subsequently returned notices will be screened more intensely. The exact content of the notice will be approved by the Court subsequent to administrative and public input.

Following notice to potential beneficiaries all claims on the list will be reviewed for further entitlement whether the claimant responds to the notice or not. Appropriate adjusting efforts will follow, based on the individual file contents and wishes of the claimants.

The process outlined is reasonable and workable. It meets the request of the Supreme Court and should be approved by this Court.

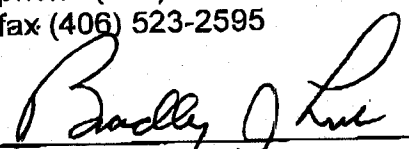
DATED this 22 day of January, 2007.

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By


Bradley J. Luck

CERTIFICATE OF MAILING

The, the undersigned, of GARLINGTON, LOHN & ROBINSON, PLLP, Attorneys for Respondent/Insurer hereby certifies that on this 22nd day of January, 2007, she mailed a copy of the foregoing *Report to Court*, postage prepaid, to the following persons:

Thomas J. Murphy
Murphy Law Firm
P.O. Box 3226
Great Falls, MT 59403-3226

Kristina L. Bidlake

State of Montana
Department of Labor & Industry
Brian Schweitzer, Governor



Employment Relations Division

WC Claims Assistance Bureau
Diana Ferriter, Bureau Chief

January 17, 2007

Nancy Butler
Chief Counsel
Montana State Fund
5 So. Last Chance Gulch
Helena, MT 59601

RE: Employment Relation Division's Review of Proposed Identification Process – Stavenjord

Dear Nancy,

As requested, a few of my staff and I reviewed the identification process the Montana State Fund documented to identify potential "Stavenjord" claims. I've attached a copy of the documented process.

The identification process proposed by the State Fund appears reasonable to us based on our knowledge of data elements available on First Reports of Injury and Subsequent Reports that the Montana State Fund is required to submit to the Department. We suggested the State Fund also include nature of injury and cause of injury descriptions developed by the International Association of Industrial Accident Boards and Commissions (IAIABC). The IAIABC's definitions for Nature of Injury Codes include descriptions that may indicate occupational disease (OD) claims and also includes Cause of Injury Codes that indicate repetitive motion or cumulative trauma causes. Montana State Fund reports First Reports of Injury to the Department using these codes.

In 2003, the Department contracted with Insurance Services Organization (ISO) to evaluate and report on the effect of apportionment and capping on occupational disease claims. The report is available on our website. I point this out because at that time, we needed to develop an identification process to identify OD claims in our database in order to provide the data to ISO for the study. The data elements we identified included the Claim Type – OD v. injury; IAIABC's Cause of Injury Codes 94, 97, and 98 and Nature of Injury Codes 60-78 and 80. We provided a copy of the code descriptions to you and they can also be found on our website. These were the best data elements we had in our database to assist us with providing data to ISO.

In an effort to compare the State Fund's identification process with the process used by the Department, we agreed to query our database using the above mentioned codes and provide you with an excel spreadsheet of the results. I emailed a spreadsheet to you and Bill Visser yesterday that lists all potential OD indemnity claims from our database with date of injury/OD on or after July 1, 1987. The spreadsheet also indicates those claims that our database documents as settled.

Letter to Nancy Butler, Montana State Fund
January 17, 2007
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Since our database went into production in April, 1995, and we only required insurers to report indemnity claims that were still open as of January 1, 1995, the information in our database may not be complete. Although the information furnished in the spreadsheet is accurate to the best of the Department's knowledge, the Department does not guaranty the accuracy or completeness of the information contained in the database as we rely on insurers to completely and accurately report the claim information.

If you have questions about any of the information I've provided, feel free to contact me.

Sincerely,

Diana Ferriter
Bureau Chief
444-1574

Enclosure

C: Jerry Keck, Administrator
Vivian Hammill, Chief Legal Counsel

STAVENJORD

Identification Process:

An initial data run to identify claims potentially affected by Stavenjordan was completed 01/24/04, using the following data fields:

1. Claim class type code = 'od';
2. NOI code = 990 or 562;
3. Source of injury = 400;
4. TTD or PTD benefits paid, but no PPD;
5. Benefit type code = 'od';
6. Date of injury >= 07/01/87;
7. Any claim with the word 'repetitive' in the description of accident field on FROI;

This data run returned 3,099 claims meeting the above criteria.

Following *Schmill II*, a second data run was requested on 06/14/05. This run expanded the data fields/parameters initially used, and focused on identification of potential Schmill claims, which would be a subset of Stavenjordan, using the following criteria:

1. Claim classification type of OD;
2. DOI equal to or greater than 07/01/87 to present;
3. Apportionment offset detail in financial transactions;
4. Apportionment field updated;
5. Claim Injury screen reflects 'occupational disease';
6. Nature of injury is 'disease', 'respiratory', or 'nervous system';
7. Source of injury is 'bodily motion', 'infectious', or 'dust';
8. Type of injury is 'bodily reaction' or 'exposure';
9. No PPD benefits have been paid;
10. 'Occupational Disease Award' expense code in financial transactions;
11. Weekly SS offset rate in financial transactions is less than the calculated weekly SS offset rate;

This data run contains a total of 4,797 claims meeting the above criteria.

Of the additional 1,698 claims identified in the second run, 624 would be directly attributable to expanding the end date of the run (01/24/04 v 06/14/05), leaving an additional 1,074 claims identified. This difference most likely relates to the presence and/or absence of exclusionary criteria as the other significant difference between the data runs. In the initial data run, exclusionary criteria to further filter the data retrieved was used, which included:

1. Denied claims;
2. Medical only claims;
3. Disputed settlements;
4. Settlements with disputed liabilities;

In the second data run, the only claims excluded after identification of all files meeting the criteria were medical only claims.


Review Process:

Following identification, a limited review of the data available electronically was undertaken for each file identified. The scope of the review included:

1. Verification the claim had been accepted as an occupational disease v an injury using claim classification; review of the description of injury; file notations; and/or documents in Image;
2. Identification of potential Schmill files through review of indemnity payments made to determine whether an apportionment had been applied; file notations for reference to an apportionment requested and/or received; and documents in Image which referenced an apportionment;
3. Whether PPD benefits had been paid on the file;
4. Whether the file had been settled through review of file status; indemnity payments made; file notations; documents in Image; and/or comparison to the ERD settlement list;
5. Whether claimant was deceased through review of file notations; documents in Image; and/or the Social Security Death Index;

At this time, 751 files have been excluded as injuries, rather than an occupational disease exposure. Of the remaining 4,046 claims, 925 have been settled and 104 are deceased. 2,669 meet the criteria for an in-depth Stavenjord review, but only 1,849 have a date of exposure between 07/01/87 through 05/22/01. There was insufficient electronic data available to reliably determine whether the remaining 348 files should be included or excluded. These files will require a manual review of either the hard file or microfiche to determine what, if any, entitlement may exist under either Stavenjord or Schmill.

Of the 19 years this decision potentially spans (07/01/87 thru present), 11 yrs are committed to an electronic format, and readily available for an in-depth review. Only 8 yrs potentially exist on multi-platform mediums.

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FAX COVER SHEET

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Workers' Compensation Court

(406) 444-7798

FROM:

Brad J. Luck

RE:

Stavenjord v Montana State Fund

GLR FILE NO.:

840-081

GLR FAX OPERATOR:

KKB

The information contained in this facsimile message may be privileged and confidential information intended only for the use of the individual or entity named above. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via U.S. mail.

Attached is State Fund's Report to the Court with original in the mail to you.